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18 and The Kroger Co.

19 UNITED STATES DISTRICT COURT

20 DISTRICT OF NEVADA

21 CALCULATED INDUSTRIES, INC.,
22 a Nevada corporation, and CONSTRUCTION
23 MASTER TECHNOLOGIES, INC., a
24 Nevada corporation,

25 Plaintiffs,

Case No. 3:06-cv-00049-LRH-VPC
CURRENTLY PENDING IN THE
DISTRICT OF NEVADA

v.

**[PROPOSED] STIPULATED ORDER
OF DISMISSAL WITHOUT
PREJUDICE**

SYNAPSE RETAIL VENTURES,
a Connecticut corporation, THE KROGER
CO., an Ohio corporation, and DOES
1 - 10,

Defendants.

Pursuant to the joint stipulation signed by all parties who have appeared in this Action,
and pursuant to Rule 41(a)(1), Fed. R. Civ. P., the Court hereby ORDERS:

1. that the Complaint of Plaintiffs is DISMISSED WITHOUT PREJUDICE;
2. that the Counterclaims of Defendants are DISMISSED WITHOUT PREJUDICE;
- and
3. that the parties shall bear their own attorneys' fees and costs.

This Stipulation has been reviewed and approved as to form and substance by counsel for the parties, as follows:

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Counsel for Plaintiffs

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 20, 2006 all counsel of record who are deemed to have consented to electronic service are being served with a copy of **[PROPOSED] STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE** via the Court's CM/ECF system per Local Rule 5-3.

Dated: November 20, 2006.

s/Annette P. McGuire